

EXHIBIT E

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:) Case No. 02-02474
)
K MART CORPORATION, et al.,) (Jointly Administered)
) Chapter 11
)
Debtors.) Hon. Susan Pierson Sonderby

**ORDER RE (i) K MART CORPORATION'S MOTION TO DISMISS HARVARD
REAL ESTATE'S OBJECTION TO ASSUMPTION OF LEASE and (ii)
HARVARD REAL ESTATE'S OBJECTION TO ASSUMPTION OF LEASE
(ref docket nos. 10044 and 20694)**

Harvard Real Estate - Allston, Inc. ("Harvard") having filed on April 4, 2003 its Objection (the "Objection") to Kmart Corporation's assumption of that certain lease (the "Lease") concerning real property in Brighton, Massachusetts, and Kmart having filed its response to the Objection, and Harvard having filed on January 29, 2004 a withdrawal of the Objection, and Kmart having filed a motion to dismiss with prejudice the Objection, (the "Motion to Dismiss"), ~~and the Court having conducted a hearing on the matter on March 18, 2004,~~

IT IS HEREBY ORDERED that (i) the Motion to Dismiss is granted as set forth herein, (ii) the Objection is dismissed with prejudice as of the Effective Date of Kmart's Joint Plan of Reorganization, May 6, 2003, (the "Effective Date"), and (iii) Kmart is deemed to have assumed the Lease as of the Effective Date.

Date: March , 2004

ENTERED
APR 02 2004
United States Bankruptcy Judge
SUSAN PIERSON SONDERBY
BANKRUPTCY JUDGE